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7 CALIFORNIA II, INC.; COMCAST OF CALIFORNIA  
8 III, INC.; COMCAST OF CALIFORNIA IX INC.;  
9 COMCAST OF CALIFORNIA V INC.; COMCAST OF  
10 CALIFORNIA VI INC.; COMCAST OF CALIFORNIA  
11 X INC.; COMCAST OF CALIFORNIA XIII INC.;  
12 COMCAST CORPORATION; COMCAST OF FRESNO,  
INC.; COMCAST OF MARIN I, INC.; COMCAST OF  
MARIN II, INC.; COMCAST OF NORTHERN  
CALIFORNIA I, INC.; COMCAST OF NORTHERN  
CALIFORNIA II, INC.; COMCAST OF SACRAMENTO  
I, LLC; COMCAST OF SACRAMENTO II, LLC;  
COMCAST OF SAN LEANDRO, INC.; COMCAST OF  
SIERRA VALLEYS, INC.; and DOES 1-250

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

17 JON HART,  
18 Plaintiff,  
19 v.

20 COMCAST OF ALAMEDA, INC.; COMCAST OF  
21 CALIFORNIA II, INC.; COMCAST OF CALIFORNIA  
22 III, INC.; COMCAST OF CALIFORNIA IX INC.;  
23 COMCAST OF CALIFORNIA V INC.; COMCAST OF  
24 CALIFORNIA VI INC.; COMCAST OF CALIFORNIA X  
25 INC.; COMCAST OF CALIFORNIA XIII INC.;  
26 COMCAST CORPORATION; COMCAST OF FRESNO,  
INC.; COMCAST OF MARIN I, INC.; COMCAST OF  
MARIN II, INC.; COMCAST OF NORTHERN  
CALIFORNIA I, INC.; COMCAST OF NORTHERN  
CALIFORNIA II, INC.; COMCAST OF SACRAMENTO  
I, LLC; COMCAST OF SACRAMENTO II, LLC;  
COMCAST OF SAN LEANDRO, INC.; COMCAST OF  
SIERRA VALLEYS, INC.; and DOES 1-250.

## Defendants.

Case No. C-07-06350  
PJH

# **NOTICE OF PENDENCY OF OTHER ACTIONS**

1 Pursuant to Civil L.R. 3-13, Defendants Comcast of Alameda, Inc., Comcast of  
 2 California II, Inc., Comcast of California III, Inc., Comcast of California IX Inc., Comcast  
 3 of California V Inc., Comcast of California VI Inc., Comcast of California X Inc.,  
 4 Comcast of California XIII Inc., Comcast Corporation, Comcast of Fresno, Inc., Comcast  
 5 of Marin I, Inc., Comcast of Marin II, Inc., Comcast of Northern California I, Inc.,  
 6 Comcast of Northern California II, Inc., Comcast of Sacramento I, LLC, Comcast of  
 7 Sacramento II, LLC, Comcast of San Leandro, Inc. and Comcast Of Sierra Valleys, Inc.  
 8 submit the following Notice of Pendency of Other Actions:<sup>1</sup>

9       1. *Leigh, et al. v. Comcast of California II, Inc., et al.*, No. 2:08-cv-04601  
 10       (C.D. Cal.) (formerly known as *Rea v. Comcast of California II, Inc.*);  
 11       2. *Libonati v. Comcast Cablevision of Jersey City, Inc., et al.*, No. 1:08-cv-  
 12       03518 (D.N.J.);  
 13       3. *Lis v. Comcast of Chicago, Inc., et al.*, No. 1:08-cv-03984 (N.D. Ill.);  
 14       4. *Tan v. Comcast Corp.*, No. 2:08-cv-02735 (E.D. Pa.);  
 15       5. *Topolski v. Comcast Corp., et al.*, No. 3:08-cv-00852 (D. Or.); and  
 16       6. *Sidner v. Comcast of the District*, No. 2008 CA 001180 B (D.C. Super. Ct.).

17       These related actions all challenge certain Comcast High-Speed Internet Service  
 18 ("HSIS") network management practices. The gravamen of each of the actions is that  
 19 Comcast allegedly slowed, delayed or otherwise impeded subscribers' peer-to-peer file  
 20 sharing transmissions and allegedly failed to disclose that practice. Many of the specific  
 21 allegations, including allegations relating to class treatment, are similar. These complaints  
 22 advance analogous theories of liability, seek substantially similar relief, and request the  
 23 certification of overlapping single-state or nationwide classes of subscribers who received  
 24 Comcast's HSIS service. These cases are all in their infancy; no class has been certified  
 25 or considered for certification and no merits or class certification discovery has been

26       1       On June 17, 2008, Defendants submitted a Notice of Pendency of Other Actions  
 27       that identified the *Sidner* and *Leigh* actions (*Leigh* then being known as *Rea*) as related  
 28       and noted that other actions had been filed but not yet served. Those and other actions  
 have now been served, and accordingly Defendants submit this amended notice.

1 conducted. Indeed, the only action taken by any of the courts presiding over these related  
 2 actions was this Court's decision to temporarily stay this action pursuant to the primary  
 3 jurisdiction doctrine during the pendency of the Federal Communication Commission's  
 4 review of Defendants' network management practices.

5 Because these related actions all involve the same predicate factual allegations and  
 6 overlapping claims for relief brought on behalf of overlapping or identically defined  
 7 putative classes, Defendants have petitioned the Judicial Panel on Multidistrict Litigation  
 8 (the "Panel") to coordinate the six federal actions for coordinated pretrial proceedings  
 9 pursuant to 28 U.S.C. § 1407(a). That motion was filed on August 14, 2008, and will be  
 10 heard at the next meeting of the Panel, which will take place in late September. A copy of  
 11 that Motion is attached hereto as Exhibit A. In the other related federal actions, motions  
 12 to temporarily stay litigation pending a ruling by the Panel have or will soon be filed. *See,*  
 13 *e.g.*, *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (Wilken,  
 14 J.) ("Courts frequently grant stays pending a decision by the MDL Panel regarding  
 15 whether to transfer a case."); *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D.  
 16 Cal. 1997) (Hauk, J.); *Smith v. Mail Boxes, Etc., Inc.*, 191 F. Supp. 2d 1155 (E.D. Cal.  
 17 2002) (Shubb, J.); *see also Hardin v. Merck & Co., Inc.*, No. 07-0070, 2007 WL 1056790,  
 18 at \*2 (N.D. Cal. Apr. 5, 2007) (Armstrong, J.). Such a motion will not be filed in the  
 19 instant case at the present time, however, because, as noted above, this action is already  
 20 temporarily stayed on primary jurisdiction grounds.<sup>2</sup>

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25 <sup>2</sup> On August 1, 2008, the Federal Communications Commission voted to take certain  
 26 action in connection with its network management proceeding. It has not, however,  
 27 issued any order or opinion. Pursuant to the Court's Order of June 25, 2008, Defendants  
 28 will meet and confer with the Plaintiff and will advise the Court how the parties wish to  
 proceed within thirty days of the Federal Communication Commission's issuance of an  
 order or opinion (or by December 12, 2008 if there has been no action by that date).

1 Dated: August 15, 2008

DRINKER BIDDLE &amp; REATH LLP

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3 By:/s/ Michael J. Stortz

4 Michael J. Stortz

5 Attorneys for Defendants

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